

**Serial No. 10/657,524**

**Amdt. in Response to Office Action mailed July 13, 2005.**

**UTILITY PATENT**

**B&D No. TN3481**

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figs. 1-2. This sheet, which includes Fig. 1-4, replaces the original sheet including Figs. 1-4.

Attachment: Replacement Sheet

Serial No. 10/657,524

Amdt. in Response to Office Action mailed July 13, 2005.

UTILITY PATENT

B&amp;D No. TN3481

REMARKS

Applicants have amended Claim 1.

Currently pending in the application are Claims 1-9.

The Examiner noted that FIGS. 1-2 should be designated by a legend such as -PRIOR ART-. In response, Applicants have amended FIGS. 1-2 as suggested by the Examiner.

The Examiner rejected Claims 1 and 6-9 under 35 USC 102(b) as anticipated by EP 0 752 300 ("EP '300"). In addition, the Examiner rejected Claims 1 and 6-9 under 35 USC 103(a) as being unpatentable over US Patent No. 4,869,142 ("Sato"). Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1, as amended, calls for *inter alia* a fence assembly attached to the base. The fence assembly comprises a fixed fence fixedly attached to the base, a movable fence movably connected to the fixed fence, the movable fence defining a first support plane, at least one of the fixed fence and the movable fence contacting the workpiece, and an auxiliary fence disposed behind at least one of the fixed fence and the movable fence, the auxiliary fence defining a second support plane substantially parallel to the first support plane and contacting the workpiece when the movable fence is moved.

While EP '300 and Sato may have a fixed fence, they both lack an auxiliary fence disposed behind the fixed fence and/or a movable fence that contacts the workpiece when the movable fence is moved. Because EP '300 and Sato do not teach or suggest such element, they cannot render Claims 1-9 unpatentable.

**Serial No. 10/657,524**

**Amdt. in Response to Office Action mailed July 13, 2005.**

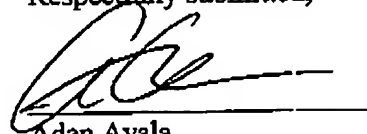
**UTILITY PATENT**

**B&D No. TN3481**

No fee is believed due. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

In view of the foregoing, Claims 1-9 are patentable and the application is believed to be in condition for formal allowance.

Respectfully submitted,



Adan Ayala  
PTO Reg. No. 38,373  
Attorney for Applicant

Adan Ayala - TW-199  
The Black & Decker Corporation  
701 East Joppa Road  
Towson, Maryland 21286  
(410) 716-2368